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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,418	10/23/2003	William Kress Bodin	AUS920030250US1	8494
34533	7590	10/16/2007	EXAMINER	
INTERNATIONAL CORP (BLF) c/o BIGGERS & OHANIAN, LLP P.O. BOX 1469 AUSTIN, TX 78767-1469			TAYLOR, NICHOLAS R	
		ART UNIT	PAPER NUMBER	
		2141		
		MAIL DATE		DELIVERY MODE
		10/16/2007		PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/692,418	BODIN ET AL.
	Examiner Nicholas R. Taylor	Art Unit 2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 8/2/07.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 09 March 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. Claims 1-18 have been presented for examination and are rejected.

Response to Arguments

2. Applicant's arguments filed August 2nd, 2007, with respect to the claims have been considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Natsume, et al. (U.S. PGPub 2004/0199631) and Lisetti, et al. ("MAUI: a multimodal affective user interface").

5. As per claims 1, 7, and 13, Natsume teaches a method for improving the devices in a domain, the method comprising receiving, within a network, a plurality of device effectiveness records for a first user created in a first domain, (Natsume, paragraphs 0080, 0081, 0099; see effectiveness measurements, e.g., of paragraphs 0114-0115)

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storing the plurality of device effectiveness records; (Natsume, paragraphs 0099, 0102, and 0114)

identifying an effective device ID for the first user in dependence upon the plurality of device effectiveness records; and (Natsume, paragraphs 0099, 0100, 0101, and 0115, where a device is identified)

notifying a second user in a second domain of the effective device ID (Natsume, paragraphs 0071, 0081, 0100, 0102, 0166-0168, 0189, and 0190).

Natsume fails to teach receiving a record specifically with each device effectiveness record including information used to evaluate whether administration of a particular device by executing a particular action was effective in affecting a particular user's condition.

Lisetti teaches the use of device effectiveness records including information used to evaluate whether administration of a particular device by executing a particular action was effective in affecting a particular user's condition (Lisetti, sections 3.1, 6.3, and 7).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined Natsume and Lisetti to provide the techniques of Lisetti in the system of Natsume, because doing so would allow recording, remembering, and reacting to user conditions to increase the system awareness and attentiveness in managing a user interface (Lisetti, section 7; see also discussion of resulting system benefits of sections 1 and 8).

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6. As per claims 2, 8, and 14, Natsume-Lisetti teaches the system further wherein identifying an effective device ID for the first user in dependence upon the plurality of device effectiveness records comprises comparing at least two device effectiveness records (Natsume, paragraphs 0099, 0100, 0101, and 0115).

7. As per claims 3, 9, and 15, Natsume-Lisetti teaches the system further wherein identifying an effective device ID for the first user in dependence upon the plurality of device effectiveness records comprises mining the plurality of device effectiveness records (Natsume, paragraphs 0099, 0100, 0101, and 0115.).

8. As per claims 4, 10, and 16, Natsume-Lisetti teaches the system further wherein an effective device ID identifies a new device for the user (Natsume, paragraphs 0071, 0081, 0100, 0102, 0166-0168, 0189, 0190, e.g., where related device IDs are suggested).

9. As per claims 5, 11, and 17, Natsume-Lisetti teaches the system further wherein an effective device ID identifies an upgrade for an existing device for the user (Natsume, paragraphs 0071, 0081, 0100, 0102, 0166-0168, 0189, and 0190, e.g., where related device IDs are suggested).

10. As per claims 6, 12, and 18, Natsume-Lisetti teaches the system further comprising creating a device effectiveness record (Natsume, paragraphs 0080, 0081, and 0099; see effectiveness measurements, e.g., of paragraphs 0114-0115).

Conclusion

11. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Taylor whose telephone number is (571) 272-3889. The examiner can normally be reached on Monday-Friday, 8:00am to 5:30pm, with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nicholas Taylor
Examiner
Art Unit 2141



JASON CARDONE
SUPERVISORY PATENT EXAMINER